

EMERGENCY PAID SICK LEAVE POLICY

The Emergency Paid Sick Leave Act (“EPSLA”) establishes paid sick leave entitlement for eligible employees during an absence for qualifying reasons, as set forth below.

A. Employee Eligibility

Eligible employees may receive emergency paid sick leave benefits, regardless of their length of employment with the District, provided that a qualifying reason for leave exists and is adequately communicated to the District as soon as practical. Paid sick leave under this Policy is available for immediate use for any of the qualifying reasons identified in Section B.

B. Qualifying Reasons for Paid Sick Leave

Employees may use emergency paid sick leave under this Policy if the employee is unable to work (or telework) due to any of the following reasons:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to an order or has been advised by a health care provider to self-quarantine;
5. The employee is caring for a son or daughter of the employee and the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions; and
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Leave available under this Policy may only be used for reasons permitted by this Policy unless otherwise required by law.

C. Requesting Paid Sick Leave

Employees may request leave under this Policy writing, including via email. Requests for leave should not be conveyed via voicemail unless circumstances prevent other forms of communication. Requests for paid sick leave should be directed to the Director of Employee Services. An employee seeking such leave should notify the District of the need for leave as soon as practical after the employee becomes aware of the need for paid sick leave but no later than the first workday (or portion of such workday) that the employee receives EPSLA paid sick leave.

The notice to the District and request for leave must identify the need for leave as identified in Section B(i) – (vi) above.

An employee shall request leave on a designated form prepared by the District:

The District may follow up with an employee requesting such leave to obtain additional information and to advise you of other benefits available to you including FMLA benefits.

D. Duration of Paid Sick Leave

Eligible full-time employees are entitled to 80 hours of emergency paid sick leave under this Policy. Eligible part-time employees are entitled to a number of hours equal to the number of hours that they work, on average, over a two-week period. If your hours of work are variable, the average bi-weekly hours you worked over the prior 6 months will be used. On an employee's separation from employment, any unused paid sick leave under this policy is not paid to the employee.

Unless an employee is demonstrably teleworking, paid sick leave for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:

- The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- The employee is caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Unless an employee is teleworking, once an employee begins taking paid sick leave for one or more of these qualifying reasons, the employee must continue to take paid sick leave each day until the employee either (1) uses the full amount of paid sick leave or (2) no longer has a qualifying reason for taking paid sick leave. This limit is imposed because if an employee is sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19, the intent of FFCRA is to provide such paid sick leave as necessary to keep an employee from spreading COVID-19 to others.

E. Compensation During Leave

When taking paid sick leave under sections B(i)-B(iii) above, employees are entitled to receive their regular rate of pay as compensation during a period of absence. However, in no event shall such paid sick time pay exceed \$511 per day and \$5,110 in the aggregate.

When taking paid sick leave under Sections B(iv) - B(vi) above, employees are entitled to receive two-thirds of their regular rate of pay as compensation during such leave. However, in no event shall such paid sick time exceed \$200 per day and \$2,000 in the aggregate.

The eligible employee receives an aggregate maximum of 80 hours total if full-time and prorated downward for part-time employees.

F. Effect on Existing Policies

This Policy is not intended to replace any existing leave or paid time off policies maintained by the District. Paid sick leave provided under this Policy is made available to eligible employees in addition to any leave or paid time off benefits provided under any of the District's existing policies.

Eligible employees may first use paid sick leave under this Policy for any of the qualifying reasons identified in Section B above before using other accrued paid leave which may be available to the employee under any of the District's existing policies. The District is prohibited by law from requiring employees to first use other unused and accrued paid time off benefits to which employees may be entitled under other existing policies prior to using emergency paid sick leave under this Policy.

G. Nondiscrimination and No Retaliation

The District strictly prohibits any form of discrimination or retaliation in the administration of this Policy. The requesting or taking of leave under this Policy will not be used against any employee in any employment decision, including in the determination of raises, employment opportunities, or discipline. Similarly, paid sick leave under any section of this Policy will not serve as a negative factor or count against any employee for purposes of meeting the District's attendance requirements.

It is unlawful for the District to interfere with, restrain, or deny the exercise of, or the attempt to exercise, employees' rights established under the EPSLA, or this Policy. The District will not retaliate against individuals because of their participation in or commencement of an action, proceeding, or investigation related to paid sick leave entitlement under the EPSLA, or this Policy or for opposing any practice made unlawful by the EPSLA.

H. Expiration of Benefit

This Policy will expire on June 11, 2021.

I. Questions

If you have any questions regarding the operation or interpretation of this Policy, please contact the Director of Employee Services.

Approved: 4/2/2020
Revised: 1/11/2021